

JOHN L. BURRIS, ESQ., SBN 69888  
BENJAMIN NISENBAUM, ESQ., SBN 222173

**LAW OFFICES OF JOHN L. BURRIS**

Airport Corporate Centre  
7677 Oakport Street, Suite 1120  
Oakland, California 94621  
Telephone: (510) 839-5200  
Facsimile: (510) 839-3882  
john.burris@johnburrislaw.com  
bnisenbaum@gmail.com

Attorneys for Plaintiffs

DALE L. ALLEN, JR., State Bar No. 145279

dallen@aghlaw.com

PATRICK MORIARTY, State Bar No. 213185

pmoriarty@aghlaw.com

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP

180 Montgomery Street, Suite 1200

San Francisco, CA 94104

Telephone: (415) 697-2000

Facsimile: (415) 813-2045

Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

YOLANDA BANKS-REED, et al.,

Plaintiffs,

v.

BAY AREA RAPID TRANSIT, et al.,

Defendants.

CASE NO.: 18-cv-05755-YGR

**ORDER GRANTING STIPULATION AND  
DENYING AS MOOT PLAINTIFFS'  
MOTION FOR AWARD OF REASONABLE  
ATTORNEYS' FEES AND COSTS**

DATE: January 5, 2021

TIME: 2:00 p.m.

COURTROOM: 1

Hon. Yvonne Gonzalez Rogers

**STIPULATION**

Having met and conferred on the filing of Plaintiffs' Motion for Reasonable Attorneys' Fees and Costs, the parties hereby stipulate to the following: that the rates, hours and costs requested in the moving papers and supported by the Declarations of Documents 175 to 175-18 and Document 176 to 176-1, filed on November 6, 2020 and on November 9, 2020, respectively, are reasonable and should be awarded as follows:

1. The hours submitted for work on the trial and on post-trial work equaling One Thousand and Forty Six hours and 9/10's (1,046.9) and Seventy hours (70) for work on the fee motion are reasonable.

2. The rates requested, set forth on page 22, of Document 175 are reasonable. These rates multiplied by 1,046.9 equal Six Hundred Eighty Four Thousand, Three hundred and Ninety Dollars and no cents (\$684,390.00) for trial and post-trial work and Fifty-Two Thousand and Five Hundred and no cents (\$52,500) for work on the fee motion, set forth in the following chart of fee rates and hours:

<b>Biller</b>	<b>Rate</b>	<b>Hours on Litigation</b>	<b>Subtotal Litigation</b>	<b>Hours on Fee Motion</b>	<b>Subtotal on Fee Motion</b>
John Burris	\$1000	203.5	\$203,500		
Benjamin Nisenbaum	\$750	301.9	\$226,425	7	\$5,250
Ayana Curry	\$750	195.3	\$146,475	63	\$47,250
Lateef Gray	\$450	155	\$69,750		
Alejandra Ramirez	\$200	144.5	\$28,900		
Latonia Robinson	\$200	46.7	\$9,340		
<b>Totals</b>		1046.9	\$684,390	70	\$52,500

3. Plaintiffs' out-of-pocket expenses are in the sum of Two Thousand, Seven hundred and Thirty One dollars, and Ninety Six cents (\$2,731.96) are reasonable.

4. The request for the enhancement multiplier of 1.3 set forth in the above-referenced motions shall be dismissed.

5. The enforcement of the order is stayed pending resolution of all appeals.

6. This order is moot if Defendants' appeals are granted in full.

7. If the appeals are granted to the federal causes of action or if a new trial is ordered on the Federal causes of action, but the negligence finding is upheld, the order is moot because there is no attorney fee recovery on state law negligence.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: November 30, 2020

**THE LAW OFFICES OF JOHN L. BURRIS**

/s/ John L. Burris

John L. Burris  
Benjamin Nisenbaum  
Attorneys for Plaintiffs

Dated: November 30, 2020

ALLEN, GLAESSNER,  
HAZELWOOD & WERTH, LLP

By: /s/ Dale L. Allen, Jr.

DALE L. ALLEN, JR.  
PATRICK MORIARTY  
KEVIN ALLEN  
Attorneys for Defendant  
JOSEPH MATEU III

**ORDER**

The Court hereby grants the parties' stipulation as follows:

1. The hours submitted for work on the trial and post-trial work are One Thousand and Forty Six hours and 9/10's (1,046.9) for and Seventy hours (70) for work on the fee motion are reasonable.

2. The rates requested, set forth on page 22, of Document 175, are reasonable. These rates multiplied by 1,046.9 equal Six Hundred Eighty Four Thousand, Three hundred and Ninety Dollars and no cents (\$684,390.00) for trial and post-trial work and Fifty-Two Thousand and Five Hundred and no cents (\$52,500) for work on the fee motion, set forth in the following chart of fee rates and hours:

<b>Biller</b>	<b>Rate</b>	<b>Hours on Litigation</b>	<b>Subtotal Litigation</b>	<b>Hours on Fee Motion</b>	<b>Subtotal on Fee Motion</b>
John Burris	\$1000	203.5	\$203,500		
Benjamin Nisenbaum	\$750	301.9	\$226,425	7	\$5,250
Ayana Curry	\$750	195.3	\$146,475	63	\$47,250
Lateef Gray	\$450	155	\$69,750		
Alejandra Ramirez	\$200	144.5	\$28,900		
Latonia Robinson	\$200	46.7	\$9,340		
<b>Totals</b>		1046.9	\$684,390	70	\$52,500

3. Out-of-pocket expenses for Plaintiffs are in the sum of Two Thousand, Seven hundred and Thirty One dollars, and Ninety Six cents (\$2,731.96) are reasonable.


4. There shall be no enhancement multiplier in the above-referenced motions.

5. The enforcement of this order is stayed pending resolution of all appeals.

7. In the event Defendants' appeals are granted as to the Federal causes of action or if a final judgment is ordered on the Federal causes of action, but the negligence finding is upheld, this order is affirmed because there is no attorney fee recovery on state law negligence.

Accordingly, Plaintiffs' Motion for Attorney's Fees is denied as moot.

**IT IS SO ORDERED.**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE